

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

IN RE: V.R. KING CONSTRUCTION, LLC )  
DEBTOR ) CHAPTER 11 CASE NO.: 18- 31635  
Y2 YOGA COTSWOLD, LLC )  
Plaintiff, )  
V. ) ADV. PROC. NO.: 19-03047  
VINROY W. REID, V.R. KING )  
CONSTRUCTION, LLC )  
A. BURTON SHUFORD CHAPTER 7 TRUSTEE )  
FOR V.R. KING CONSTRUCTION, LLC )  
AND VINROY REID )  
Defendants. )

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**DESIGNATION OF RECORD ON APPEAL**

NOW COMES, Defendant-Appellant, VR King Construction, LLC (hereinafter "Appellant" or "Defendant") and shows unto this Court its Designation of The Record on Appeal and states as follows:

1. That the Defendant-Appellant filed a Chapter 11 Bankruptcy proceeding on October 31, 2018 Case No 18-31635. Doc#1
  
2. The Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed Adversary Proceeding case 19-03047, Complaint for Declaratory Relief to Confirm Validity, Priority and Extend of Liens on Real Property and Allow Charges Pursuant to 11 U.S.C. 506(b). Docket #1
  
3. Defendant-Appellant filed its answer on October 22, 2019. Docket #11
  
4. Defendant A. Burton Shuford filed its Answer on October 24, 2019. Docket #12
  
5. On April 4, 2020, Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed a Motion for Judgment on the Pleadings, Alternative Motion for Summary Judgment. Docket #17
  
6. On April 16, 2020, Defendant A. Burton Shuford filed his Second Motion to Dismiss Adversary Proceeding. Docket #20
  
7. On April 28, 2020, Defendant A. Burton Shuford filed Trustee Motion for Judgment on the Pleadings, Alternative Motion for Summary Judgment. Docket #24

8. On April 29, 2020, Defendant-Appellant filed its Response in Opposition to Plaintiff-Appellee Y2 Yoga Cotswold, LLC's Motion for Judgment on the Pleadings, Alternative Motion for Summary Judgment. [Docket #25](#)

9. On April 29, 2020, Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed its Response to Motions to Dismiss filed by Defendant A Burton Shuford. [Docket #26](#)

10. On April 30, 2020, Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed Affidavit, Verification on Pleading and Declaration Under Penalty of Perjury. [Docket #28](#)

11. On May 1, 2020, Defendant A. Burton Shuford filed its Brief in Support of its Motion to Dismiss. [Docket #32](#)

12. On May 1, 2020, Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed its Brief in Support of its Motion for Judgment on the Pleadings, Alternate Motion for Summary Judgment. [Docket #34](#)

13. On May 4, 2020, Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed Affidavit, Verification on Pleading and Declaration Under Penalty of Perjury of Tanner Bazemore. [Docket #36](#)

14. On May 4, 2020, Defendant A. Burton Shuford filed its Reply Brief in Support of its Motion to Dismiss. [Docket #38](#)

15. On May 4, 2020, Defendant-Appellant filed its Response to Brief Filed by Plaintiff-Appellee Y2 Yoga Cotswold. LLC. [Docket #39](#)

16. On May 4, 2020, Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed its Response to Brief of Defendant A. Burton Shuford. [Docket #40](#)

17. On May 18, 2020, Defendant-Appellant filed its Motion for Judgment on the Pleadings Alternative Motion for Summary Judgment. [Docket #49](#)

[18.](#) On May 29, 2020, Defendant A. Burton Shuford filed its Supplemental. [Docket #51](#)

19. On May 29, 2020, Defendant-Appellant filed its Motion Memorandum in Support of its Motion to Dismiss. [Docket #52](#)

20. On May 29, 2020, Defendant-Appellant filed its Supplemental Brief in Opposition Plaintiff-Appellee Y2 Yoga Cotswold, LLC Motion for Judgment on the Pleadings, Alternative Motion for Summary Judgment. [Docket #53](#)

[21.](#) On May 29, 2020, Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed its Supplemental Brief. [Docket #54](#)

[22.](#) On June 5, 2020, Defendant A. Burton Shuford filed Reply Brief. [Docket #57](#)

[23.](#) On June 8, 2020, Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed its Response to

Defendant VR King Construction, LLC's Judgment on the Pleadings, Memorandum in Support of Motion to Dismiss; Memorandum of Law of Regarding Whether US Bankruptcy Code Section 506 Allows Y2 Yoga Recovery of Attorney Fees and If So to What Extent; Further Response and Supplemental Brief and Reply Briefs of Defendant A. Burton Shuford Trustee For VR King Construction, LLC and Brief by Defendant A. Burton Shuford. Doc #58

24. On June 19, 2020 the Court held a hearing on Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed a Motion for Judgment on the Pleadings, Alternative Motion for Summary Judgment.

25. On June 19, 2020, the Honorable Laura T. Beyer Granted in Part/Denied in Part as Not ripe: Y2 Yoga Cotswold, LLC; Y2 Yoga Cotswold, LLC to File Amended Proof Of Claim by 7/20/2020, Objections with Notice of a Hearing Are Due By 7/20/2020.

26. On June 19, 2020, the Honorable Laura T. Beyer Denied Defendant A Burton Shuford's Motion to Dismiss.

27. On June 19, 2020, the Honorable Laura T. Beyer Denied Appellant-Defendant V.R. King's Motion to Dismiss.

28. On December 2, 2020, the Honorable Laura T. Beyer issued Memorandum Opinion and Order Granting in Part Plaintiff's Motion for Summary Judgment; Denying Defendants' Motion to Dismiss; Motions for Judgment in the Pleadings and Alternative Motions for Summary Judgment; Deferring Ruling on Certain Issues Pertaining to 11 U.S.C. 506(B); and Setting Deadlines for Filing Proof of Claims And Any objections Thereto. Docket #62

29. On December 14, 2020, Defendant-Appellant filed its Motion to Reconsider. Docket #63.

30. On January 13, 2021, Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed its Response and Objection to Motion for Reconsideration, Docket#66.

31. On January 29, 2021, Plaintiff-Appellee Y2 Yoga Cotswold, LLC filed its Amended And Supplemental Declarations of David Guidry. Docket#67.

32. On February 2, 2021 the Honorable Judge Laura T Beyer denied Appellant-Defendant's Motion to Reconsider.

33. On February 18, 2021 the Honorable Judge Laura T Beyer entered an order denying Appellant-Defendant's Motion Requesting Reconsideration. Docket #76

34. On March 4, 2021, Appellant-Defendant filed its Notice of Appeal on March 4, 2021. Docket #77

35. That pursuant to Rule 8006 Appellant is allowed fourteen (14) days to file the Designation of the Record on Appeal after filing their Notice of Appeal.

The Record includes the following:

- a. Adversary Proceeding case 19-03047, Complaint for Declaratory Relief to Confirm Validity, Priority and Extend of Liens on Real Property and Allow Charges Pursuant to 11 U.S.C. 506(b) filed on August 23, 2019. [Docket #1](#)
- b. Defendant-Appellant's Answer filed on October 22, 2019. [Docket #11](#)
- c. Defendant A. Burton Shuford's Answer filed on October 24, 2019. [Docket #12](#)
- d. Plaintiff-Appellee Y2 Yoga Cotswold, LLC's Motion for Judgment on the Pleadings, Alternative Motion for Summary Judgment filed a on April 4, 2020, [Docket #17](#)
- e. Defendant A. Burton Shuford's Second Motion to Dismiss Adversary Proceeding filed his on April 16, 2020. [Docket #20](#)
- f. Defendant A. Burton Shuford, Trustee's Motion for Judgment on the Pleadings, Alternative Motion for Summary Judgment filed on April 28, 2020. [Docket #24](#)
- g. Defendant-Appellant's Response in Opposition to Plaintiff-Appellee, Y2 Yoga Cotswold, LLC's Motion for Judgment on the Pleadings, Alternative Motion for Summary Judgment filed on April 29, 2020. [Docket #25](#)
- h. Plaintiff-Appellee Y2 Yoga Cotswold, LLC's Response to Motions to Dismiss filed by Defendant A Burton Shuford filed on April 29, 2020. [Docket #26](#)
- i. Plaintiff-Appellee Y2 Yoga Cotswold, LLC's filed Affidavit Verification on Pleading and Declaration Under Penalty of Perjury filed on April 30, 2020. [Docket #28](#)
- j. Defendant A. Burton Shuford's Brief in Support of its Motion to Dismiss filed on May 1, 2020. [Docket #32](#)
- k. Plaintiff-Appellee Y2 Yoga Cotswold, LLC's Brief in Support of it Motion for Judgment on the Pleadings, Alternate Motion for Summary Judgment filed on May 1, 2020, [Docket #34](#)
- l. Plaintiff-Appellee Y2 Yoga Cotswold, LLC's Affidavit, Verification on Pleading and Declaration Under Penalty of Perjury of Tanner Bazemore filed on May 4, 2020. [Docket #36](#)
- m. Defendant A. Burton Shuford filed its Reply Brief in Support of its Motion to Dismiss filed on May 4, 2020. [Docket #38](#)
- n. Defendant-Appellant filed its Response to Brief Filed by Plaintiff-Appellee Y2 Yoga Cotswold. LLC filed on May 4, 2020,. [Docket #39](#)

- o. Plaintiff-Appellee Y2 Yoga Cotswold, LLC's Response to Brief of Defendant A. Burton Shuford filed on May 4, 2020. [Docket #40](#)
- p. Defendant-Appellant's Motion for Judgment on the Pleadings Alternative Motion for Summary Judgment filed on May 18, 2020. [Docket #49](#)
- q. Defendant A. Burton Shuford's Supplemental Brief filed on May 29, 2020. [Docket #51](#)
- r. Defendant-Appellant's Memorandum in Support of its Motion to Dismiss filed on May 29, 2020. [Docket #52](#)
- s. Defendant-Appellant's Supplemental Brief in Opposition Plaintiff-Appellee Y2 Yoga Cotswold, LLC Motion for Judgment on the Pleadings, Alternative Motion for Summary Judgment filed on May 29, 2020. [Docket #53](#)
  - a. Plaintiff-Appellee Supplemental Brief filed On May 29, 2020. [Docket #54](#)
  - b. Defendant A. Burton Shuford Reply Brief filed On June 5, 2020., [Docket #57](#)
  - c. Plaintiff-Appellee Y2 Yoga Cotswold, LLC's Response to Defendant VR King Construction. LLC's Judgment on the Pleadings, Memorandum in Support of Motion to Dismiss; Memorandum of Law of Regarding Whether US Bankruptcy Code Section 506 Allows Y2 Yoga Recovery of Attorney Fees and If So to What Extent; Further Response and Supplemental Brief and Reply Briefs of Defendant A. Burton Shuford Trustee For VR King Construction, LLC and Brief by Defendant A. Burton Shuford filed on June 8, 2020. Doc #58
- d. Transcript of hearing held on June 19, 2020, by the Honorable Laura T. Beyer Granting in Part/Denying in Part as Not ripe: Y2 Yoga Cotswold, LLC; Y2 Yoga Cotswold, LLC to File Amended Proof Of Claim by 7/20/2020, Objections with Notice of a Hearing Are Due By 7/20/2020; Denying Defendant A Burton Shuford's Motion to Dismiss; and Denying Appellant-Defendant V.R. King's Motion to Dismiss;
- e. The Honorable Laura T. Beyer's Memorandum Opinion and Order Granting in Part Plaintiff's Motion for Summary Judgment; Denying Defendants' Motion to Dismiss; Motions for Judgment in the Pleadings and Alternative Motions for Summary Judgment; Deferring Ruling on Certain Issues Pertaining to 11 U.S.C. 506(B); and Setting Deadlines for Filing Proof of Claims And Any objections Thereto filed on December 2, 2020. [Docket #62](#)
- f. Defendant -Appellant's Motion to Reconsider filed on December 14, 2020. [Docket #63](#)
- g. Plaintiff-Appellee Y2 Yoga Cotswold, LLC its Response and Objection to Motion for Reconsideration filed on January 13, 2021. [Docket#66](#)

- h. Plaintiff-Appellee Y2 Yoga Cotswold, LLC's Amended And Supplemental Declarations of David Guidry filed on January 29, 2021. [Docket#67](#).
- i. Honorable Judge Laura T Beyer Order Denying Appellant-Defendant's Motion Requesting Reconsideration entered on February 18, 2021. [Docket #76](#)
- j. Notice of Appeal filed on March 4, 2021. [Docket #77](#)

That pursuant to Rule 8006 Appellant is allowed fourteen (14) days to file the Designation of the Record on Appeal after filing their Notice of Appeal.

This the 18<sup>th</sup> day of March, 2021,

THE LEWIS LAW FIRM, PA.

/s/Robert Lewis, Jr.  
ROBERT LEWIS, JR.  
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IN THE UNITED STATES BANKRUPTCY COURT  
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A. BURTON SHUFORD CHAPTER 7 TRUSTEE )  
FOR V.R. KING CONSTRUCTION, LLC )  
AND VINROY REID )  
Defendants. )

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**CERTIFICATE OF SERVICE**

I hereby certify that I this day have served a copy of former Counsel for the Debtor's  
**DESIGNATION OF RECORD ON APPEAL**

To all the other parties listed below electronically via CM/ECF, e-mail or by depositing a copy thereof in an envelope bearing sufficient postage in the United States mail, as indicated below, this 18<sup>th</sup> day of March, 2021.

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Vinroy W. Reid (via U.S. Mail)  
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Charlotte, North Carolina 28229

This the 18<sup>th</sup> day of March, 2021,

THE LEWIS LAW FIRM, PA.

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